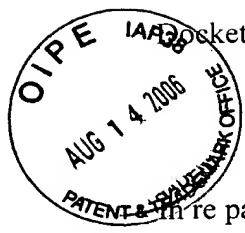


JTW



Socket No. FJ-2000-009-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of

Koji NAKAMURA, et al.

Serial No.:	09/624,916	Group Art Unit:	2624
Filed:	July 24, 2000	Examiner:	Tran, Douglas Q.

For: APPARATUS AND METHOD FOR DESIGNING COMMUNICATION
PATHS OF TREE STRUCTURE

Honorable Commissioner of Patents
Alexandria, VA 22313-1450

**SECOND PETITION FOR NEW OFFICE ACTION UNDER 37 C.F.R. 1.181 AND
WITHDRAWAL OF HOLDING OF ABANDONMENT**

Sir:

In response to the abandonment of the above-identified application, and in accordance with Delgar, Inc., v. Schuyler (172 USPQ 513) (DDC 1971) and MPEP § 711.03(c), page 700-92, second column (Ed. 7, July 1998), Applicants hereby petition for a new Office Action and for withdrawal of the holding of abandonment.

Applicants point out that a Petition for New Office Action was filed on December 3, 2004, and Applicants have not yet received a response from the Patent Office.

After a routine file review due to inactivity of this matter, a Status Inquiry and a Change of Address were filed in the Patent Office on November 16, 2004 (Exhibit 1).

A follow-up status search on our newly activated access to the private PAIR system performed on November 23, 2004, indicated that a Notice of Abandonment was allegedly mailed on October 19, 2004, and that the file was abandoned "for Failure to Respond to Office Action." The File History on the PAIR system (Exhibit 2) indicates that a Non-Final Rejection was mailed on January 5, 2004. The File History also reflects a Correspondence Address Change on September 18, 2000 and September 25, 2000. However, Applicants have not received any communication from the U.S. Patent and Trademark Office (PTO) since receipt of the Recordation of Assignment on January 12, 2001.

Accompanying this Petition is the Declaration of Mary C. Gibb, Manager of the Docketing Department in the undersigned's law firm. As set forth in that Declaration, Ms. Gibb, in her capacity as Manager of the Docketing Department, is intimately familiar with all of the details regarding the processing of mail received in the Docketing Department, including correspondence received from the PTO. Attached to the Declaration is supporting documentation (Exhibits A and B) showing that no Office Action in the subject application was processed by the Docketing Department or received by the undersigned's law firm.

Further, attached as Exhibit C to the Declaration of Ms. Gibb is a copy of the front cover of the subject application file jacket maintained by the undersigned's law firm. It should be noted that the file jacket cover shows the chronological sequence of correspondence between the undersigned's law firm and the PTO. As noted on the cover, the application was filed on July 24, 2000, with Declaration. There is no indication of receipt of any Office Action by the undersigned's law firm.

Exhibits A and B are copies of the docket record showing all actions due by the firm of McGinn & Gibb, PLLC, at and around the alleged due date of April 20, 2004, and Exhibit C is the file jacket cover. This evidence is acceptable proof of non-receipt as provided by 1156 O.G. 53.

It is noted that change of address forms for our customer number were filed on October 24, 2000, October 31, 2000, November 13, 2001, and March 27, 2002, copies of which are attached hereto as Exhibits 3-6, as well as copies of two follow-up acknowledgments received from the PTO, dated October 25, 2000, and November 16, 2001, respectively (Exhibits 7 and 8).

Further, a 89-page Correspondence Address Indication Form listing applications being handled by this firm and linking our Customer No. 21254 with our current address (8321 Old Courthouse Road, Suite 200, Vienna, VA 22182-3817) was filed in the PTO on December 4, 2003. A copy of the page of said Form which included the above-identified application and a copy of the stamped postcard filing receipt are attached as Exhibit 9.

It is also noted that numerous Change of Address Orders have been filed with the U.S. Postal Service. The most recent Change of Address Order prepared on October 8, 2003 (Exhibit 10), was effective until November 2004, and receipt thereof was confirmed by the Postal Service.

The undersigned has been associated with McGinn & Gibb, PLLC (now McGinn Intellectual Property Law Group, PLLC), for a number of years, and in that time has been able to rely on the performance of the Docketing Department to provide conscientious, reliable, and competent notice of due dates for responses to correspondence received from the PTO. Based on the undersigned's familiarity with the good work performed by the employees of the

Docketing Department, it is respectfully submitted that the only reasonable conclusion is that no Office Action was ever received by the undersigned's law firm for the above-identified application.

Further, in accordance with MPEP § 707.13, if the Office Action was mailed to our former address and returned to the PTO, the Examiner should have used "every reasonable means to ascertain the correct address and forward the action again." The Examiner could have quickly ascertained the correct address in a number of ways including, but not limited to, the associated customer number and the undersigned's registration number. In addition, the inventors and/or assignee were not informed of the returned action.

Pursuant to the above-noted association with Customer No. 21254, numerous changes of address for the customer number, numerous changes of address with the Postal Service, and detailed description of docket record provided in the Declaration of Ms. Gibb and copy of file jacket cover, which are believed to satisfy fully the requirements set forth in MPEP § 711.03(c) and 1156 O.G. 53, and the lack of adherence to MPEP § 707.13, Applicants respectfully request that a new Office Action be sent in the subject application and that the holding of abandonment be withdrawn.

Applicants submit that the Declaration of Mary Gibb, as well as Exhibits A and B, were previously submitted with Applicants' Petition filed on December 3, 2004. For the convenience of the Patent Office, Applicants have attached copies of the Declaration and Exhibits 1-10 and A-C.

Docket No. FJ-2000-009-US
Application Serial No. 09/624,916

5

Since this error is due to the U.S. Patent and Trademark Office, no fee is believed necessary. Please charge any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 50-0481.

Respectfully submitted,



Scott M. Tulino
Registration No. 48,317
Sean M. McGinn
Registration No. 34,386

Date:

August 14, 2006

**MCGINN INTELLECTUAL PROPERTY LAW
GROUP, PLLC**

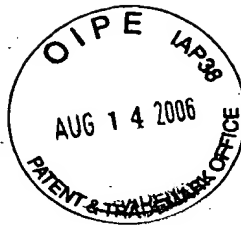
8321 Old Courthouse Rd., Suite 200
Vienna, Virginia 22182-3817
(703) 761-4100
Customer No. 21254

SM/11/11 11/11/11

Attorney's Post Card Filing Receipt

Serial Number: 09 624, 9/14

Papers Filed On: 12/03/04



Attorney's Docket Number: FJ-2000-00945

☒ Patent ☐ Trademark

Applicant's Name: Nakamura et al

Application Filing Date: 07/24/00

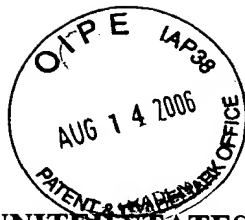
Papers Filed Herewith:

- ☐ Amendment ☐ Request for Extension of Time ☐ CPA Request
- ☐ Notice of Appeal ☐ Appeal Brief (in triplicate) ☐ Reply Brief
- ☐ IDS ☐ 1449 Form w/ Documents ☐ Priority Document(s)
- ☒ Declaration of Inventorship ☐ Recordation Cover Sheet ☐ Formal Drawings
- ☐ Drawing Corrections ☐ Issue Fee Transmittal ☐ Missing Parts

☒ Other Petition for New Official Action w/ withdrawal of Abandonment

Fees Filed Herewith: \$ ☐ Check ☐ Charge Deposit Account: (w/ exhibits)

Hand Delivered



MAS.002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of

Koji NAKAMURA, et al.

Serial No.: 09/624,916

Group Art Unit: 2624

Filed: July 24, 2000

Examiner: Tran, Douglas Q.

For: IMAGE INPUTTING AND OUTPUTTING APPARATUS

Honorable Commissioner of Patents
Alexandria, VA 22313-1450

DECLARATION OF MARY C. GIBB

Sir:

I, Mary C. Gibb, hereby declare as follows:

1. I am Manager of the Docketing Department of the law firm of McGinn & Gibb, PLLC.
2. My duties as Manager of the Docketing Department require me to be intimately familiar with how the firm handles the mail, facsimile, and courier packages which arrive at McGinn & Gibb, PLLC.
3. Each business day (Monday-Friday), McGinn & Gibb, PLLC, receives a large volume of correspondence from the U.S. Patent and Trademark Office (PTO). That correspondence relates to patent and trademark applications being handled by McGinn & Gibb, PLLC, and includes Office Actions. Generally, since McGinn & Gibb, PLLC, is located in Vienna, Virginia, PTO correspondence is received by the law firm within one or two business days after the PTO mailing date, although sometimes it takes longer. All mail is

received in the Docketing Department, including PTO correspondence. The PTO correspondence is handled as follows.

4. An individual employed in the Docketing Department of McGinn & Gibb, PLLC, receives all pieces of PTO correspondence before they are opened. That same individual opens each piece of correspondence from the PTO one at a time.

5. As the PTO correspondence is opened, an entry is made by that same individual by hand, in a docket book, for each such piece of correspondence requiring a response to be provided to the PTO by a certain due date. For example, an Office Action must be answered within the response time specified therein (within one, two or three months of the mailing date), and so an entry would be made in the docket book on a due date for the required period of time for the Office Action and also six months after the mailing date of the Office Action (the non-extendable date). Attached as Exhibit A to my Declaration are copies of the pages of the docket book for items having a due date of February 20, 2004, March 20, 2004, and April 20, 2004 (one, two and three months from the alleged mailing date of the Restarted Response Date for Office Action), as well as that of July 20, 2004 (six months, the last and non-extendable date). As can be seen from Exhibit A, there is no entry for the above-identified application, indicating that the Office Action in question was never received by McGinn & Gibb, PLLC.

6. Once the PTO Office Action received on a given date has been manually entered in the docket book as above described, the appropriate file for the PTO Office Action is pulled and matched up to that Office Action. The appropriate file and the PTO Office

Action is then given to the secretary to the attorney responsible for handling the file. The secretary then enters the PTO Office Action and the response due date in the secretary's docket book and on the front cover of the application file jacket.

7. On a weekly basis, a docket of cases due that week and the pertinent response due dates is given to each attorney and staff employee at McGinn & Gibb, PLLC. This docket is then double-checked with the docket maintained by the secretary. I have reviewed these docket lists, and there is no entry for the above-identified application. Attached as Exhibit B to my Declaration are copies of the lists of the submitted cases due the weeks of February 15-21, 2004, March 14-20, 2004, April 18-24, 2004, and July 18-24, 2004. As can be seen from Exhibit B, there is no entry relating to a PTO mailing of an Office Action in connection with the above-identified application.

8. Further, Exhibit C is a copy of the front cover of the file jacket of the subject application. It should be noted that the file jacket front cover shows the chronological sequence of correspondence between the law firm and the PTO. The left side of the front cover is filled in by the Attorney's secretary as Actions are received and docketed. The right side is filled in by the Attorney's secretary as the Actions are completed. As shown, there is no evidence showing an Office Action was ever received.

9. Based on my review of Exhibits A-C, and on my personal knowledge of the procedures followed by McGinn & Gibb, PLLC, in the Docketing Department for handling PTO Office Actions, I conclude that no Office Action was received by McGinn & Gibb, PLLC, for the above-identified application.

Docket No. FJ-2000-009-US
Application Serial No. 09/624,916
MAS.002

4

10. To date, the Notice of Abandonment allegedly mailed on October 19, 2004, has not been received by McGinn & Gibb, PLLC.

Further Declarant saith not.

I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: December 3, 2004

Mary C. Gibb
Mary C. Gibb
Manager, Docketing Department

McGinn & Gibb, PLLC
8321 Old Courthouse Rd., Suite 200
Vienna, VA 22182-3817
(703) 761-4100
Customer No. 21254

REC 11/20 YOR 193	FINAL (1 Day)	SMITH
REC 11/27 WAK 065	FINAL (1 Day)	PEM
REC 11/30 FOT 17 048	FINAL (1 Day)	PEM
11/20 WAK 080	RESP. (1 Day)	JETH
2/19 + MAR 053	Response	JMD SMITH
2/20 + ORL 028	Response	JJD SMITH
2/19 + WAK 063 DLI	Response	FTZ
2/20 + YOR 213	Response	FELG SMITH
2/20 + FUK 015	IF + pub. Fee + dugs 10/11	FEC
2/11 NGB 139	-IX	PEM
PA not IDS to be filed 3/4 100-1-037	IDS	SMITH

MARCH 20 SATURDAY

2004 80th day - 286 days follow
Spring begins

1/26 ~~FUT-059~~ Missing Reg.
3/22 ~~UNT-821~~ Appeal Brief

Smm
pEM

2/3 ~~NAB-331~~

~~Namp~~

Smm

2/3 ~~NAB-330~~

~~Namp~~

Smm

3/27 ~~MAS-019~~

~~Preliminary Amend~~

Smm

3/27 ~~MAS-002~~

~~Response (IMO)~~

Smm

7/28/03 YOR-466	BARDATE	PEM
2/11 MEB-139	Resp (1 day)	Smm
1/3 I DEB-001 cont.	Resp. (1 day)	IND
4/9 + FUK-026	IF + pub fee (1 day)	JFH
4/20 + KUD-026	Response	PEM JFH
3/19 HAM-057	IDS	Smm
4/20 + IWA-003	IF + pub. fee	Smm
5/3 + KOB-018	IF + pub. fee	JFH
4/26 ✓ + YOR-010	Issue fee	FEC
4/5 WAK-099	Response (2 mo.)	Smm
4/20 + FUK-014	IDS trans	Smm
✓ ext + HIR-087	IDS 3mo NMP?	SM
4/20 + YOR-517	New App (bar date?)	FEC

ISSUE DATE:

6, 723, 147 - PEM MEB-055 +
 6, 724, 101 - FEC MEB-053 +
 6, 724, 449 - PEM - YOR-143 +
 6, 724, 905 - FJ2 HAR-015 +
 6, 723, 626 - FJ2 KUD-058 +

JULY

20

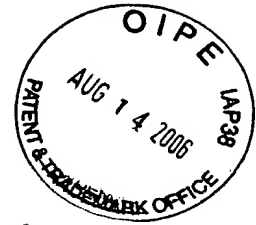
TUESDAY

200+ 202nd day - 164 days follow

1/28	Miss Reg. (Last Day)	SN
WIT.059	Resp (L Day)	JEH
4/20/00-026	NOMP (L Day)	Smm
2/3 NGB.331	NOMP (L Day)	Smm
2/3 NGB.330	NOMP (L Day)	Smm
day 12 OR 174	FINAC (3mo.)	FEC
RC 1/20 TAK.092	FINAC (3mo.)	JND
✓ XALM.038 ^{and 6/21}	FINAC (3mo.)	JJD
✓ FYOR.312 ^{ad 7/15}	FINAC (3mo.)	PEM
✓ FYU1.019	FINAC (3mo.)	PEM
7/20 + NGB.243	Response	FJZ
7/14 + NGB.157	I. Fee (L Day)	JJD
7/20 + NGB.258	Response	SMT Smm
✓ ext FYLE N.006	Response	JND
7/10 + WAK.0630 LV	Issue Fee	FJZ
6/29 YOR.650 LV	IF (clings)	Smm
0/14 NGB.370	NOMP	Smm
✓ XHIR.087	IDS (NOMP?)	Smm

DOCKET

February 15-21, 2004



Please compare this with your personal docket!
Let us know if you have any changes or additions.

Add entries docketed after this docket is distributed.

Please immediately inform us of any additions that have not been processed in Docketing.

<u>DUE DATE</u>	<u>FILE</u>	<u>COMMENTS</u>	<u>ATTY</u>
Sunday, 2/15/04	HAR.016	Response (2 mo.)	PAB
Monday, 2/16/04	KAT.045	IDS (3 mo. NOMP recd?)	SMM
	NGB.294	IDS 1 X (3 mo. NOMP recd?)	SMM
	ORI.058	1 X	SMM
	MAR.019	IF	JEH
Tuesday, 2/17/04	HAR.021	Response	SMM
	NEC.200	IDS	SMM
	ORI.048	IDS	SMM
	TAK.041	IF & Drawings	SMM
	YOR.072	Final (2 mo.)	SMM
	NGB.076	Final (4 mo. - amended 1/7)	PEM
	NGB.182	Final (3 mo.)	PEM
	YOR.393	Final (2 mo.)	PEM
	YOR.057	Final (2 mo.)	FEC
	NGB.187	Response	PAB
	RYU.008	Response	JEH
<i>Issue Date:</i>	FUJI.030 6,693,303	SMM	NGB.231 6,694,119 JEH
	KUD.037 6,693,682	SMM	YAS.031 6,694,414 JEH
	NGB.070 6,692,152	SMM	
Wednesday, 2/18/04	NEC.212	IDS	SMM
	NGB.077	IF (Drawings?)	SMM
	NUV.005	Final (3 mo.)	SMM
	SAI.029	Response	PEM
	MAR.040	Final (3 mo. amended 2/6)	FEC
	NGB.147	Response	FEC

<u>DUE DATE</u>	<u>FILE</u>	<u>COMMENTS</u>	<u>ATTY</u>
	FUJIT.037	IF (last day)	PAB
	GOT.059	Final (3 mo.)	JEH
	YAM.039	Final (3 mo.)	FJZ
	NGB.117	Response	JND
Thursday, 2/19/04	YOR.082	Final (3 mo. amended 1/19 & 21)	PEM
	YOR.468	NOMP	PEM
	FUJIT.023	Response	FEC
	EDU.174	??	JND
Friday, 2/20/04	ORI.028	Response	SMM
	YOR.213	Response	SMM
	WAK.065	Final (last day)	PEM
	FUK.015	IF & drawings	FEC
	WAK.063DIV	Response	FJZ
	MAR.052	Response	JND
Saturday, 2/21/04	KUD.038	Response	SMM
	TAK.044	Response (1 mo.)	SMM
	YOR.345PCT	20 mo.	SMM
	BUR.095	Response	FEC
	WAK.097	Final (3 mo. amended 2/10)	PAB
	ONO.005	Response (1 mo.)	JND

DOCKET

March 14-20, 2004



Please compare this with your personal docket!
Let us know if you have any changes or additions.

Add entries docketed after this docket is distributed.

Please immediately inform us of any additions that have not been processed in Docketing.

<u>DUE DATE</u>	<u>FILE</u>	<u>COMMENTS</u>	<u>ATTY</u>
Sunday, 3/14/04			
Monday, 3/15/04	FUK.017DIV	IF (drawings? - last day)	SMM
	NGB.194	IF	SMM
	NGB.328	IDS	SMM
	DEC.011	Revive abandoned case	PEM
	FUJIT.036DIV	IDS	PEM
	HIR.057	IDS	PEM
	HIR.027	Response	FEC
	MAT.007	Correct omitted papers	FEC
	AMA.034	IF	JEH
	MAR.055	IF	JEH
	FUS.053	Response	JJD
	NGB.228	Response	JJD
Tuesday, 3/16/04	HAR.022	IDS	SMM
	KAT.045	IDS (5 mo. NOMP?)	SMM
	NEC.142	Response	SMM
	NGB.294	IDS (4 mo. NOMP?)	SMM
	NEC.263	IDS	PEM
	YOR.343	IDS for appealed case	PEM
	NGB.053	IF (last day)	FEC
	NGB.109	IF	JEH
	SHI.030	IF	FJZ
	YAM.050	IF	FJZ
	ONO.011	IF (last day)	JND
	ONO.016	Final (3 mo.)	JND

<u>DUE DATE</u>	<u>FILE</u>	<u>COMMENTS</u>	<u>ATTY</u>
<i>Issue Date:</i>	GOT.031 6,707,575	JEH NGB.063 6,707,445	JEH
Wednesday, 3/17/04	FUJIT.045DIV2	IF	SMM
	GOT.054	IDS translation	SMM
	HAR.021	1 X	SMM
	HIG.007	IF	SMM
	HIR.061	IF (last day)	SMM
	NEC.136DIV	Final (3 mo.)	SMM
	NEC.200	IDS translation	SMM
	NEC.262	IF	SMM
	NGB.344	IDS (3 mo. NOMP?)	SMM
	FUJIT.011	Response	PEM
	NGB.142	Final (3 mo.)	PEM
	NGB.182	Final (4 mo. amended 2/17)	PEM
	YOR.393	Final (3 mo.)	PEM
	YOR.057	Final (3 mo. amended 2/17)	FEC
	YOR.072	Final (3 mo. amended 2/23)	FEC
	FUJIT.033	IF (last day)	PAB
	WAK.095	Final (3 mo. amended 2/12)	PAB
	HIT.004	Response	JEH
	MAR.019	IF	JEH
	RYU.008	1 X	JEH
	ONO.008	Response	JND
	ALM.035	Response	JJD
Thursday, 3/18/04	NGB.259	Response (1 mo.)	SMM
	NGB.346	IDS (3 mo.)	SMM
	NGB.178	Final (3 mo. amended 2/27)	PEM
	GOT.059	Final (4 mo. amended 2/18)	JEH
	YAM.039	Final (4 mo. amended 2/17)	FJZ
	NGB.117	1 X	JND
Friday, 3/19/04	NEC.200	Response (1 mo.)	SMM
	WAK.055	Response	SMM
	MAR.069DIV1	IF (last day)	PEM
	NEC.215	IF	PEM

<u>DUE DATE</u>	<u>FILE</u>	<u>COMMENTS</u>	<u>ATTY</u>
	YOR.468	NOMP 1 X	PEM
	ALM.094	Response	FEC
	IKE.007DIV	IF	FEC
	YOR.300	Response	FEC
	FUJIT.043	IF	PAB
	YOR.430	Response (1 mo.)	PAB
	GOT.056	Response	JEH
	KOB.003	IF	JEH
	FUS.046	IF & drawings (last day)	FJZ
	HUB.003	Affidavit of Use due 5/19	JND
	NGB.112	Response	JND
	HIR.066	Response	JJD
Saturday, 3/20/04	MAS.019	Prior Art Sub.	SMM
	NIS.062	Response (1 mo.)	SMM
	UNI.021	Appeal Brief	PEM

DOCKET

April 18-24, 2004

Please compare this with your personal docket!
Let us know if you have any changes or additions.

Add entries docketed after this docket is distributed.

Use this new docket if dates overlap with previous version.

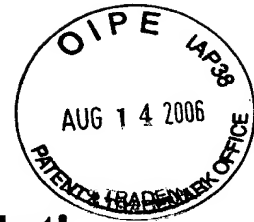
Please immediately inform us of any additions that have not been processed in Docketing.

<u>DUE DATE</u>	<u>FILE</u>	<u>COMMENTS</u>	<u>ATTY</u>
Sunday, 4/18/04	AMA.025	Response (1 mo.)	SMM
	GOT.059	Final (5 mo., amended 2/18)	JEH
	YOR.384	Due 7/18	JEH
	NGB.117	2 X	JND
Monday, 4/19/04	KAT.037	IDS	SMM
	YOR.082DIV	Appeal Brief Due	PEM
	YOR.431PCT	Fee Due	PEM
	YOR.468	NOMP 2 X	PEM
	HUB.003	Affdvt of Use due 5/19	JND
	ONO.003DIV	IDS	JND
Tuesday, 4/20/04	FUK.014	IDS translation	SMM
	HIR.087	IDS (3 mo. NOMP?)	SMM
	IWA.003	IF	SMM
	KUD.026	Response	PEM
	YOR.210	IF	FEC
	YOR.517	New app. (bar date?)	FEC
	FUK.026	IF (last day)	JEH
	KOB.018	IF	JEH
<i>Issue Date:</i>	NGB.055 6,723,147	PEM	HAR.015 6,724,905 FJZ
	YOR.143 6,724,449	PEM	KUD.058 6,723,626 FJZ
	NGB.053 6,724,101	FEC	
Wednesday, 4/21/04	GUA.001	App. from provisional due 8/21	SMM
	YOR.261	Response	SMM
	NGB.177	Response	PEM

<u>DUE DATE</u>	<u>FILE</u>	<u>COMMENTS</u>	<u>ATTY</u>
	NGB.094	IF	JEH
Thursday, 4/22/04	NIS.056	Response (1 mo.)	SMM
	DEC.011	Revive	PEM
	DEC.032	Response due 6/22	PEM
	NEC.220	Response	PEM
	FUJI.020	IF	FEC
	MAR.023	IF (last day)	FEC
	NGB.161	Final (3 mo.)	PAB
Friday, 4/23/04	NEC.179	Response	SMM
	NGB.126	Response (1 mo.)	SMM
	NGB.353	IDS (3 mo. NOMP?)	SMM
	SHI.030DIV1 & 2	IDS (3 mo.)	SMM
	EBO.010US	NOMP	PEM
	NEC.219	Response	PEM
	BUR.038DIV	Final (4 mo., amended 3/16)	FEC
	MAT.004	Response	FEC
	YOR.301	Final (2 mo.)	FEC
	NGB.075	Response	JEH
	NGB.063DIV	Response (1 mo.)	JEH
	YOR.053DIV	Stmt. of Sub. of Int.	JEH
	YOR.132	Final (2 mo.)	JEH
Saturday, 4/24/04	DEC.011	TM due 5/24 (pet to rev? reinstate?)	PEM
	YOR.343	Examiner's Answer	PEM
	YOR.183	Appeal Brief	JND
	FUS.051	Final (5 mo. amended 2/23)	JJD
	USH.018	1 X	JJD

DOCKET

July 18-24, 2004



Please compare this with your personal docket!

Let us know if you have any changes or additions.

Add entries docketed after this docket is distributed.

Use this new docket if dates overlap with previous version.

Please immediately inform us of any additions that have not been processed in Docketing.

<u>DUE DATE</u>	<u>FILE</u>	<u>COMMENTS</u>	<u>ATTY</u>
Sunday, 7/18/04	NEC.123	1 X	SMM
	NGB.172	1 X (Response 1 mo.)	PEM
	YOR.163	Final (2 mo.)	JJD
Monday, 7/19/04	DEC.037	Response (? X)	PEM
	RYU.004	Response	PEM
	WAK.075DIV	Final (3 mo.)	FEC
	FAI.001	1 X	JJD
	HIR.063	Response	JJD
Tuesday, 7/20/04	HIR.087	IDS (NOMP?)	SMM
	FUJI.019	Final (3 mo.)	PEM
	YOR.312	Final (3 mo.)	PEM
	NGB.243	Response	FJZ
	WAK.063DIV	IF	FJZ
	LEN.006	Response	JND
	TAK.042	Final (3 mo.)	JND
	ALM.038	Final (3 mo. amended 6/21)	JJD
	NGB.157	IF (last day)	JJD
	NGB.258	Response	SMT
Wednesday, 7/21/04	EBI.017	IF	SMM
	GUA.001	appl. due 8/21/04	SMM
	MAS.008	Response (1 mo.)	SMM
	NGB.129	IF	SMM
	USH.019	Response	SMM
	NGB.076	Response	PEM

<u>DUE DATE</u>	<u>FILE</u>	<u>COMMENTS</u>	<u>ATTY</u>
	IGA.026	Final (3 mo. amended 6/29)	FEC
	WAK.072	Final (3 mo.)	FEC
	YOR.160	Final (3 mo.)	FEC
	ASH.004	Final (3 mo.)	JEH
	TAK.037	Final (3 mo.)	JEH
	KUD.052	Final (3 mo.)	JND
	NEC.250DIV	Response	JJD
	KUD.062	Response	SMT
	FMG.001PCT	File Nat'l. stage	JPS
Thursday, 7/22/04	NGB.322	Response (1 mo.)	SMM
	NGB.399	IDS (3 mo.)	SMM
	DEC.011	Revive	PEM
	FUJI.014	Response	FEC
	NEC.173	1 X	FEC
	NGB.063DIV	IF	JEH
	EBI.001	1 X	JJD
	NGB.198	Response	JJD
	YOR.374	Appeal Brief due 8/30	JJD
	HIR.058	Response	SMT
Friday, 7/23/04	CLO.012	IDS (NOMP?)	SMM
	IWA.009	IF & drawings	SMM
	IWA.010	IF & drawings	SMM
	WAK.095	IF (last day)	SMM
	EBO.010US	NOMP 3 X	PEM
	EBO.013	NOMP PCT 1 X	PEM
	NEC.257	IF	PEM
	NGB.115	Final (3 mo.)	JEH
	YOR.132	Final (5 mo. amended 4/23)	JEH
	ALM.048	Response	JJD
	FUJIT.034	Response	JJD
	NGB.238	Response	JJD

DUE DATE

Saturday, 7/24/04

FILE

NGB.249

YOR.393

YOR.397

COMMENTS

Response (1 mo.)

Final (4 mo. amended 5/28)

Final (4 mo. amended 5/24 & 6/24)

ATTY

SMM

PEM

FEC

11-207320

INVENTOR	Koji Nakamura et al		
SERIAL NO.	09/624,916	FILED	July 24, 2000
TITLE	Image Inputting and Outputting Apparatus		
ASSIGNEE	Fuji Photo Film Co., Ltd.		
ASSIGNMENT RECORDED	7/24/00	REEL	D10961
		FRAME	0144

OFFICE ACTIONS

AMENDMENTS

INVENTOR
CANADIAN

5-10

SEER

5mm/r1 MAS 002
Attorney's Post Card Filing Receipt
Serial Number: 091624916 Papers Filed On: 11/16/04

Attorney's Docket Number: FJ-2000-009-US ☒ Patent ☐ Trademark

Applicant's Name: Nakamura et al. Application Filing Date: 07/21/00
Papers Filed Herewith:

- ☐ Amendment ☐ Request for Extension of Time ☐ CPA Request
☐ Notice of Appeal ☐ Appeal Brief (in triplicate) ☐ Reply Brief
☐ IDS ☐ 1449 Form w/ ___ Documents ☐ Priority Document(s)
☐ Assignment ☐ Recordation Cover Sheet ☐ Formal Drawings
☐ Drawing Corrections ☐ Issue Fee Transmittal ☐ Missing Parts
☒ Other Notice of Change of Address; Status Inquiry

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Attorney's Post Card Filing Receipt
Serial Number: 091624916 Papers Filed On: 11/16/04

Attorney's Docket Number: FJ-2000-009-US ☒ Patent ☐ Trademark

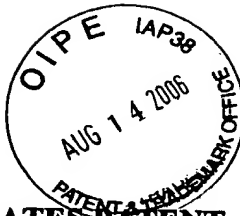
Applicant's Name: Nakamura et al. Application Filing Date: 07/21/00
Papers Filed Herewith:

- ☐ Amendment ☐ Request for Extension of Time ☐ CPA Request
☐ Notice of Appeal ☐ Appeal Brief (in triplicate) ☐ Reply Brief
☐ IDS ☐ 1449 Form w/ ___ Documents ☐ Priority Document(s)
☐ Assignment ☐ Recordation Cover Sheet ☐ Formal Drawings
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Docket No. FJ-2000-009-US
(MAS.002)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of
Koji NAKAMURA, et al.

Serial No.: 09/624,916

Group Art Unit: 2782

Filed: July 24, 2000

Examiner: Unknown

For: **IMAGE INPUTTING AND OUTPUTTING APPARATUS**

Honorable Commissioner of Patents
Alexandria, VA 22313-1450

NOTICE OF CHANGE OF ADDRESS

Sir:

Please be advised that the correspondence address of attorneys of record in the above-identified application has been changed to:

McGinn & Gibb, PLLC
8321 Old Courthouse Road, Suite 200
Vienna, Virginia 22182-3817
(703) 761-4100
Customer No. 21254

Please change the records in regard to the above-identified application accordingly and direct all telephone calls to the number shown above.

Respectfully submitted,

Sean M. McGinn
Registration No. 34,386

Date: 11/16/04

McGinn & Gibb, PLLC
Intellectual Property Law
8321 Old Courthouse Road, Suite 200
Vienna, Virginia 22182-3817
(703) 761-4100
Customer No. 21254

Docket No. FJ-2000-009-US
(MAS.002)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:

Koji NAKAMURA, et al.

Serial No.: 09/624,916

Group Art Unit: 2782

Filing Date: July 24, 2000

Examiner: Unknown

For: IMAGE INPUTTING AND OUTPUTTING APPARATUS

Honorable Commissioner of Patents
Alexandria, Virginia 22313-1450

STATUS INQUIRY

Sir:

Please advise the undersigned of the status of the above application as soon as possible.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Sean M. McGinn".

Sean M. McGinn

Registration No. 34,386

Date: 11/16/04

McGinn & Gibb, PLLC
8321 Old Courthouse Road, Suite 200
Vienna, Virginia 22182-3817
(703) 761-4100
Customer No. 21254



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PATENT APPLICATION INFORMATION RETRIEVAL

Search results as of: 11-23-2004::16:12:49 E.T.

Search results for application number: 09/624,916			
Application Number:	09/624,916	Customer Number:	21254
Filing or 371(c) Date:	07-24-2000	Status:	Abandoned -- Failure to Respond to an Office Action
Application Type:	Utility	Status Date:	10-18-2004
Examiner Name:	TRAN, DOUGLAS Q	Location:	FILE REPOSITORY (FRANCONIA)
Group Art Unit:	2624	Location Date:	10-20-2004
Confirmation Number:	5707	Earliest Publication No:	-
Attorney Docket Number:	FJ-2000-009-US	Earliest Publication Date:	-
Class/ Sub-Class:	358/001.15	Patent Number:	-
First Named Inventor:	Koji Nakamura, Tokyo, (JP)	Issue Date of Patent:	-
Title Of Invention:	Image inputting and outputting apparatus		

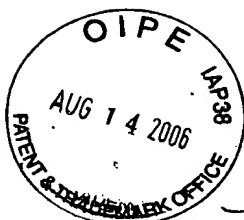
Search Options

Assignments
Display References
Foreign Priority

File History

Date	Contents Description
10-19-2004	Mail Abandonment for Failure to Respond to Office Action
10-18-2004	Abandonment for Failure to Respond to Office Action
09-17-2004	Correspondence Address Change
01-20-2004	Mail Notice of Restarted Response Period
01-20-2004	Letter Restarting Period for Response (i.e. Letter re: References)
01-05-2004	Mail Non-Final Rejection
12-29-2003	Non-Final Rejection
12-29-2003	Case Docketed to Examiner in GAU
01-30-2002	Case Docketed to Examiner in GAU
01-30-2002	Case Docketed to Examiner in GAU
01-30-2002	Case Docketed to Examiner in GAU
01-30-2002	Case Docketed to Examiner in GAU
01-17-2002	Case Docketed to Examiner in GAU

03-23-2001	Case Docketed to Examiner in GAU
07-24-2000	Request for Foreign Priority (Priority Papers May Be Included)
07-24-2000	Information Disclosure Statement (IDS) Filed
09-26-2000	Application Dispatched from OIPE
09-25-2000	Correspondence Address Change
09-25-2000	Correspondence Address Change
09-18-2000	Correspondence Address Change
08-15-2000	IFW Scan & PACR Auto Security Review
07-24-2000	Initial Exam Team nn



Sum: up

Attorney's Post Card Filing Receipt

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Serial Number:

Papers Filed On: 10/24/06

Attorney's Docket Number:

☐ Patent

☐ Trademark

Applicant's Name:

Application Filing Date: / /

Papers Filed Herewith:

☐ Amendment

☐ Request for Extension of Time

☐ CPA Request

☐ Notice of Appeal

☐ Appeal Brief (in triplicate)

☐ Reply Brief

☐ IDS

☐ 1449 Form w/ Documents

☐ Priority Document(s)

☐ Assignment

☐ Recordation Cover Sheet

☐ Formal Drawings

☐ Drawing Corrections

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Sum: up

Attorney's Post Card Filing Receipt

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Serial Number:

Papers Filed On: 10/24/06

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☒ Patent

☐ Trademark

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Application Filing Date: / /

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☐ Amendment

☐ Request for Extension of Time

☐ CPA Request

☐ Notice of Appeal

☐ Appeal Brief (in triplicate)

☐ Reply Brief

☐ IDS

☐ 1449 Form w/ Documents

☐ Priority Document(s)

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☐ Formal Drawings

☐ Drawing Corrections

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Fees Filed Herewith: \$ ☐ Check ☐ Charge Deposit Account:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**SUBMISSION OF
REQUEST FOR CUSTOMER NUMBER CHANGE**

Assistant Commissioner for Patents
BOX CN
Washington, D.C. 20231

Sir:

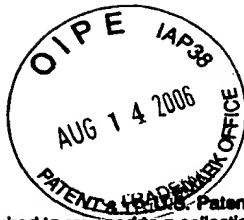
Submitted herewith is a Request for Customer Number Data Change for Customer
Number 21254.

Respectfully submitted,



Sean M. McGinn
Registration No. 34,386

Date: 10/24/00
McGinn & Gibb, P/C.
Intellectual Property Law
1701 Clarendon Boulevard, Suite 100
Arlington, Virginia 22209
(703) 294-6699
Customer No. 21254



Please type a plus sign (+) inside this box →



PTO/SB/124A (08-00)
Approved for use through 10/31/2002. OMB 0651-0035
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Request for Customer Number Data Change

Address to:

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Washington, DC 20231

To the Commissioner of Patents and Trademarks:
Please record the following data changes to Customer Number:



Type Customer Number here

21254

021254

☒ Please change Correspondence Address to:

PATENT OFFICE

Firm or Individual Name	McGinn & Gibb, PLLC				
Address	8321 Old Courthouse Road				
Address	Suite 200				
City	Vienna	State	VA	ZIP	22182
Country	USA				
Telephone	(703) 761-4100			Fax	(703) 761-2375

☐ Please delete the following practitioner registration number(s) from the Customer Number indicated above:

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☐ Additional practitioner registration numbers are listed on supplemental sheet(s) attached hereto

Request Submitted by:

Firm Name (if applicable)	McGinn & Gibb, PLLC		
Name of Person submitting request	Sean M. McGinn		
Signature			
Telephone Number	(703) 761-4100	Date	10/24/00

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box CN, Washington, DC 20231.



US DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

**CHANGE OF ADDRESS
FOR
REGISTERED PATENT ATTORNEYS AND AGENTS**

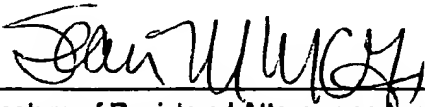
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NAME (last, first, middle name or initial) Mr. Sean M. McGinn, Esq. Ms.			REGISTRATION NUMBER (Required) 34,386
CORRESPONDENCE / BUSINESS NAME (employer, corporation, law firm, or U.S. Government agency, etc.) McGinn & Gibb, PLLC			
CORRESPONDENCE / BUSINESS ADDRESS (street, building, suite, etc.) 8321 Old Courthouse Road Suite 200			
CITY Vienna	STATE VA	ZIP CODE 22182	CORRESPONDENCE / BUSINESS TELEPHONE (703) 761-4100 ()
HOME ADDRESS			
CITY	STATE	ZIP CODE	HOME TELEPHONE ()

This address change is only for the roster of Attorneys and Agents and will not change the address of any applications in the patent process.

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If you have any questions regarding your address of record in the Office of Enrollment and Discipline, please call (703) 306-4097


Signature of Registered Attorney or Agent (Required)

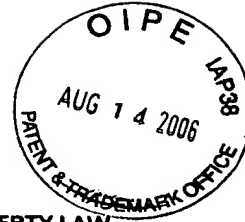
10/24/00
Date

TRANSMISSION VERIFICATION REPORT

TIME : 10/24/2000 13:40
NAME : MCGINN AND GIBB PC
FAX : 17032946696
TEL : 17032946699

DATE, TIME
FAX NO./NAME
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**LAW OFFICES OF
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A PROFESSIONAL LIMITED LIABILITY COMPANY
PATENTS, TRADEMARKS, COPYRIGHTS, AND INTELLECTUAL PROPERTY LAW
8321 OLD COURTHOUSE ROAD, SUITE 200
VIENNA, VIRGINIA 22182-3817
TELEPHONE: (703) 761-4100
FACSIMILE/DATA: (703) 761-2375; 761-2376
E-MAIL: MCGINNGIBB @ AOL.COM

SEAN M. MCGINN
FREDERICK W. GIBB, III
PHILLIP E. MILLER*
FREDERICK E. COOPERRIDER*
*(MEMBER OF BAR OTHER THAN VA)

October 31, 2000

VIA FACSIMILE

Commissioner of Patents and Trademarks
Box CN
Washington, DC 20231

Re: Address Correction
Customer No. 21254

Sir:

Please correct the mailing address for the above-identified customer number as follows:

McGinn & Gibb, PLLC
8321 Old Courthouse Road, Suite 200
Vienna, VA 22182-3817

Respectfully submitted,

Sean M. McGinn, Esq.
Reg. No. 34,386

TRANSMISSION VERIFICATION REPORT

TIME : 10/31/2000 13:20
NAME : MGINN AND GIBB PC
FAX : 17032946696
TEL : 17032946699

DATE, TIME
FAX NO./NAME
DURATION
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STANDARD
ECM



SMM/wdc

Attorney's Post Card Filing Receipt

Serial Number: _____ Papers Filed On: 11/13/01

Attorney's Docket Number: _____ ☐ Patent ☐ Trademark

Applicant's Name: _____ Application Filing Date: ____/____/____

Papers Filed Herewith: NOV 13 2001

☐ Amendment ☐ Request for Extension of Time ☐ CPA Request

☐ Notice of Appeal ☐ Appeal Brief (in triplicate) ☐ Reply Brief

☐ IDS ☐ 1449 Form w/ ____ Documents ☐ Priority Document(s)

☐ Assignment ☐ Recordation Cover Sheet ☐ Formal Drawings

☐ Drawing Corrections ☐ Issue Fee Transmittal ☐ Missing Parts

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Applicant's Name: _____ Application Filing Date: ____/____/____

Papers Filed Herewith: _____

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VIENNA, VA 22182-3817
TELEPHONE: (703) 761-4100
FACSIMILE/DATA: (703) 761-2375; 761-2376
E-MAIL: MCGINNGIBB @ AOL.COM

SEAN M. MCGINN
FREDERICK W. GIBB, III
PHILLIP E. MILLER†
FREDERICK E. COOPERRIDER†
MATTHEW G. DYOR
MOHAMMAD S. RAHMAN †
PETER A. BALNAVE, Ph.D.
LAWRENCE A. SCOTT †
CHRISTOPHER M. MCGINN*
† Other Than Virginia Bar Member
* Patent Engineer (Non-attorney)

CONFIRMATION

November 13, 2001

Assistant Commissioner of Patents
Box CN,
Washington, D.C. 20231

VIA FACSIMILE & HAND DELIVERED

NOTICE OF CHANGE OF ADDRESS

Re: Third Request
Address Correction
Customer No. 21254

Sir:

Further to our previous requests, Please again correct the mailing address for the
above-identified customer number as follows:

McGINN & GIBB, PLLC
8321 OLD COURTHOUSE RD.
SUITE 200
VIENNA, VA 22182-3817
(703) 761-4100
Customer No.: 21254

Respectfully submitted,


Sean M. McGinn
Registration No. 34,386

Please type a plus sign (+) inside this box →



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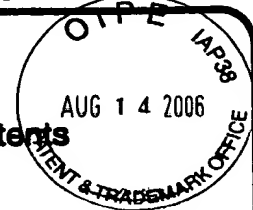
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21254

021254

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☒ Please change Correspondence Address to:

Firm or Individual Name	McGinn & Gibb, PLLC				
Address	8321 Old Courthouse Road				
Address	Suite 200				
City	Vienna	State	VA	ZIP	22182
Country	USA				
Telephone	(703) 761-4100		Fax	(703) 761-2375	

☐ Please delete the following practitioner registration number(s) from the Customer Number indicated above:

☐ Please add the following practitioner registration number(s) to the Customer Number indicated above:

☐ Additional practitioner registration numbers are listed on supplemental sheet(s) attached hereto

Request Submitted by:

Firm Name (if applicable)	McGinn & Gibb, PLLC		
Name of Person submitting request	Sean M. McGinn		
Signature			
Telephone Number	(703) 761-4100	Date	11/13/01

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TEL :

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ECM

SMM/ude

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Serial Number: 1

Papers Filed On: 03/27/02

Attorney's Docket Number: _____



☒ Patent

☐ Trademark

Applicant's Name: _____

Papers Filed Herewith:

Application Filing Date: / /

☐ Amendment

☐ Request for Extension of Time

☐ CPA Request

☐ Notice of Appeal

☐ Appeal Brief (in triplicate)

☐ Reply Brief

☐ IDS

☐ 1449 Form w/ Documents

☐ Priority Document(s)

☐ Assignment

☐ Recordation Cover Sheet

☐ Formal Drawings

☐ Drawing Corrections

☐ Issue Fee Transmittal

☐ Missing Parts

☒ Other Request for Customer Number Dot Charge

Fees Filed Herewith: \$ ☐ Check ☐ Charge Deposit Account:

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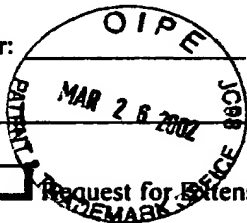
SMM/ude

Attorney's Post Card Filing Receipt

Serial Number: 1

Papers Filed On: 03/27/02

Attorney's Docket Number: _____



☐ Patent

☐ Trademark

Applicant's Name: _____

Papers Filed Herewith:

Application Filing Date: / /

☐ Amendment

☐ Request for Extension of Time

☐ CPA Request

☐ Notice of Appeal

☐ Appeal Brief (in triplicate)

☐ Reply Brief

☐ IDS

☐ 1449 Form w/ Documents

☐ Priority Document(s)

☐ Assignment

☐ Recordation Cover Sheet

☐ Formal Drawings

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VIENNA, VA 22182
TELEPHONE: (703) 761-4100
FACSIMILE/DATA: (703) 761-2375; 2376
E-MAIL: McGINNGIBB@AOL.COM

SEAN M. MCGINN
FREDRICK W. GIBB, III
PHILLIP E. MILLER†
FREDERICK E. COOPERRIDER†
MOHAMMAD S. RAHMAN †
PETER A. BALNAVE, Ph.D.
LAWRENCE A. SCOTT †
FREDRIC J. ZIMMERMAN †
JAMES E. HOWARD †
CHRISTOPHER M. MCGINN*
† Other Than Virginia Bar Member
* Patent Engineer (Non-attorney)

March 27, 2002

Assistant Commissioner of Patents
Box CN,
Washington, D.C. 20231

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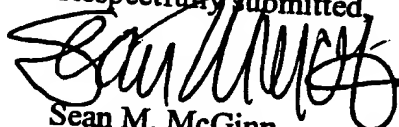
Re: Fourth Request
Address Correction
Customer No. 21254

Sir:

Further to our previous requests, Please again correct the mailing address for the
above-identified customer number as follows:

McGINN & GIBB, PLLC
8321 OLD COURTHOUSE RD.
SUITE 200
VIENNA, VA 22182-3817
(703) 761-4100
Customer No.: 21254

Respectfully submitted,


Sean M. McGinn
Registration No. 34,386

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PTO/SB/124A (08-00)

Approved for use through 10/31/2002. OMB 0851-0035

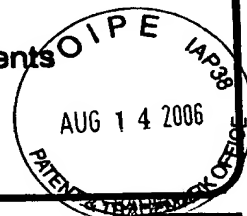
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22182-3817

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☐ Assignment ☐ Recordation Cover Sheet ☐ Formal Drawings
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Attorney's Docket Number: _____ ☐ Patent ☐ Trademark

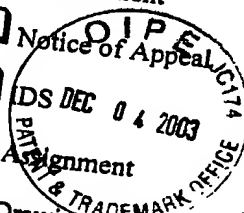
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Papers Filed Herewith:

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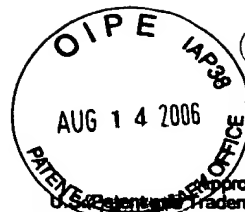
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PTO/SB/121 (05-03)

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In the following listed application(s) or patent(s) :

Patent Number (if appropriate)	Application Number	Patent Date (if appropriate)	U.S. Filing Date
	10/188,979		July 5, 2002
	10/225,125		August 22, 2002
	10/276,405		November 15, 2002
	10/296,284		November 22, 2002
	10/321,657		December 18, 2002
	10/377,886		March 4, 2003
	10/408,445		April 8, 2003
	10/442,140		May 21, 2003
	10/454,490		June 5, 2003
	10/471,613		September 12, 2003
	09/574,453		May 19, 2000
	09/624,916		July 24, 2000
	09/695,867		October 26, 2000
	09/753,576		January 4, 2001
	09/769,381		January 26, 2001

Typed or Printed Name	Sean M. McGinn, Esq., McGinn & Gibb, PLLC	(check one) <input type="checkbox"/> Applicant or Patentee <input type="checkbox"/> Assignee of record of the entire interest. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96) <input checked="" type="checkbox"/> Attorney or Agent of record 34,386 (Reg. No.)
Signature		
Date	12/4/03	
Address of signer: 8321 Old Courthouse Road, Suite 200, Vienna, VA 22182-3817		

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below *.

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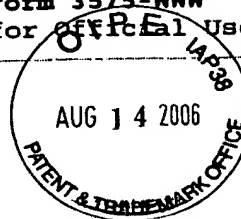
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Urbanization Name : 'N/A'

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City, State, ZIP+4: VIENNA VA 22182-3817

Signature of person who PREPARED this form: _____

Date Signed : 10/1/03Name of Preparer : **MS Annette B Skaltounis**Daytime Phone : **N/A** Evening Phone : **N/A**Email Address : **N/A**

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